



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,669	07/28/2003	Keith L. Henk	N322.12-0001	7118

164 7590 03/08/2005

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The reply filed on January 25, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to properly and fully respond to the restriction requirement mailed January 10, 2005 and thus it is unclear what sub-species applicant has elected.

In particular, it appears from applicant's response that applicant does not agree with the examiner's groupings of figures. *However*, applicant must first fully respond to the restriction requirement as set forth by the examiner and provide a listing of claims readable thereon. *Then*, should applicant disagree with the order or groupings of figures in the restriction requirement, applicant can set forth what he believes to be the more appropriate groupings to which applicant would then set forth what claims are readable thereon.

In the instant case, applicant has appropriately elected a Species, i.e., Figures 1A-1C, 2A, and 3-8 and has indicated the claims readable thereon. *However*, applicant then proceeds to set forth the supposed deficiency of the requirement as set forth by the examiner, by stating that "sub-species (i)-(iv) are alternative embodiments of Figures 7 and 8, which the examiner identifies under species (a)", without firstly electing a sub-species proposed by the examiner.

With respect to applicant's statement that "sub-species (i)-(iv) are alternative embodiments of Figures 7 and 8, which the examiner identifies under species (a)... applicant elects the sub-species identified in Figures 7 and 8 in lieu of sub-species (i)-(iv)", it is noted that a species and/or sub-species are defined as "alternative embodiments" and thus is the basis of the restriction requirement drawn to different groupings of figures.

Art Unit: 3634

Accordingly, if applicant is stating that each of Figures 9A-9D are "alternative embodiments" of only species (a), instead of species (a), (b), (c), and (i) as set forth by the examiner (see page 3 of the restriction requirement mailed January 10, 2005), applicant must still elect one of these "alternative embodiments" or "sub-species", and then provide a listing of the claims readable thereon. *For example*, if applicant elects sub-species (ii), applicant must then state which of the claims readable on Species (a), i.e., claims 1-7, 9-14, 16, 29-34, 37-39, 41-45, 47, and 48, read on sub-species (ii).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

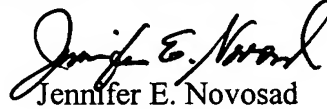
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

Please note, that due to the relocation of the U.S. Patent and Trademark Office from Arlington to Alexandria, Virginia, the Examiner's phone number will be changed. After April 7, 2005, please contact the Examiner at (571) 272-6832.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
March 4, 2005